

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIMITRITZA TOROMANOVA,

Plaintiff,

vs.

WELLS FARGO BANK, N.A., *et al.*,

Defendants.

Case No. 2:12-cv-01637-LRH-CWH

ORDER

This matter is before the Court on Defendant Wells Fargo Bank, N.A.'s Motion to Extend Time to File Stipulated Discovery Plan and Scheduling Order (#25), filed on November 15, 2012. The Court granted Defendant Tiffany K. Labo's Joinder (#26), filed on November 15, 2012. *See* Order #27. It also granted National Default Servicing Corporation's Joinder (#29), filed on November 19, 2012. *See* Order #30.

Defendants request that the Court extend the time to file a stipulated discovery plan and scheduling order until after an order is issued on the Motion to Dismiss (#10), Motion to Expunge Lis Pendens (#11), and Motion to Declare Plaintiff a Vexatious Litigant (#12). Defendants contend that Plaintiff's claims are barred by res judicata because they were previously dismissed by this Court. *See* Case No. 2:10-cv-2193-PMP-GWF and 2:12-cv-328-GMN-CWH. As a result, Defendants request an extension to promote the important interests of efficiency and judicial economy.

The Court agrees that an extension of time to file the discovery plan and scheduling order is warranted in this case. Parties seeking a stay of discovery carry "the heavy burden of making a strong showing why discovery should be denied." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (citing *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997)). The Court finds that Defendants have provided sufficient information to meet

1 that heavy burden at this time. Additionally, Local Rule 7-2(d) provides that the “failure of an
2 opposing party to file points and authorities in response to any motion shall constitute a consent to
3 the granting of the motion.” As Plaintiff failed to file a response, the Court finds there is good
4 cause to grant the motion. The Court will order the parties to meet and confer as required by
5 Federal Rule of Civil Procedure 26(f) within thirty days after an order has been issued on the
6 Motion to Dismiss (#10), Motion to Expunge Lis Pendens (#11), and Motion to Declare Plaintiff a
7 Vexatious Litigant (#12). However, in the event that an order is not issued within ninety days, the
8 Court will schedule a status conference to assess the status of the pending motions and determine
9 whether a stay is still appropriate.

10 Based on the foregoing and good cause appearing therefore,

11 **IT IS HEREBY ORDERED** that Defendant Wells Fargo Bank, N.A.’s Motion to Extend
12 Time to File Stipulated Discovery Plan and Scheduling Order (#25) is **granted**.

13 **IT IS FURTHER ORDERED** that the Motion Hearing set for December 3, 2012 at 9:00
14 AM in LV Courtroom 3C before the undersigned is **vacated**.

15 **IT IS FURTHER ORDERED** that a status conference is set for **February 28, 2013 at**
16 **9:00 AM** in LV Courtroom 3C before the undersigned. If an order has be issued on the above-
17 mentioned motions, then this hearing will be vacated and the parties shall conduct a Rule 26(f)
18 conference within thirty days of the order.

19 DATED this 30th day of November, 2012.

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23 **C.W. Hoffman, Jr.**
24 **United States Magistrate Judge**
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